

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

WILLIAM H. MORGAN III,  
By and through WILLIAM H.  
MORGAN IV, next of friend and  
attorney-in-fact,

Plaintiff,

-vs-

JUSTIN BROWN, Director of  
Oklahoma Department of Human  
Services; MELODY ANTHONY,  
Director of Oklahoma Health Care  
Authority,

Defendants.

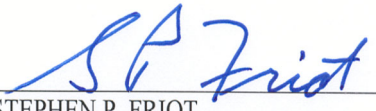
Case No. CIV-22-316-F

**ORDER**

The court is in receipt of the Notice of Death filed by plaintiff's counsel, advising that William H. Morgan III died on August 26, 2022. Doc. no. 21. With that notice, plaintiff's complaint and action for declaratory and injunctive relief appears to be moot and subject to dismissal without prejudice. *See, Pecha by and through Pecha-Weber v. Lake*, 700 Fed. Appx. 840, 841 (10<sup>th</sup> Cir. 2017) (unpublished decision cited as persuasive pursuant to 10<sup>th</sup> Cir. R. 32.1(A)) ("This case presents the question of whether a plaintiff's death moots his request for an injunction ordering certain officials of the State of Oklahoma to determine him eligible for Medicaid benefits. We answer yes."); *see also, Estate of Schultz v. Brown*, 846 Fed. Appx. 689, 695 (10<sup>th</sup> Cir. 2021) ("[T]he dead are not susceptible to continuing or future harm. . . ." "[T]he applicant's death cuts off any chance at prospective relief in federal court.") (quoting *Pecha*, 700 Fed. Appx. at 845).

If any party believes plaintiff's complaint and action is not moot, the party shall so advise by filing a written notice on or before September 21, 2022. If no written notice is filed within the time prescribed, the court will dismiss plaintiff's complaint and action for declaratory and injunctive relief without prejudice as moot.

IT IS SO ORDERED this 13<sup>th</sup> day of September, 2022.

  
STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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